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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,522	02/05/2004	Junpei Ogawa	023971-0371	3059

22428 7590 07/20/2006

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/771,522

Applicant(s)

OGAWA ET AL.

Examiner

Vinh T. Luong

Art Unit

3682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

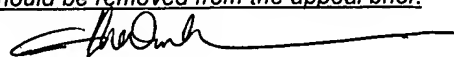
1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

RE 3: There was an after final amendment filed on January 23, 2006. The brief states that there are no amendments to the claims, but the rule requires the status of all amendments whether to the claims, drawings, or specification.

RE 5: Only a concise statement of each of the grounds of rejection should be stated in this section (i.e., Headings I, II, & III, provided by the appellant are all that should appear in this section). Any explanation regarding such grounds should appear in the "Argument" section under the appropriate required heading in that section.

RE 7: Only a clean copy of the the appealed claims 1, 2, 4, 19, 21-25 (without status identifiers) should be listed in the Claims Appendix.

RE 8: The brief states that no evidence is relied upon and yet evidence is provided in Exhibit Appendix II, which has not been considered by the examiner. Furthermore, the brief does not contain the statement setting forth wherein the evidence presented in Exhibit Appendix II was entered by the Examiner. The instant evidence, i.e., the printed publication "Review of the Performance of High Strength Steels Used Offshore" has not been entered and/or considered by the Examiner for the reasons set forth in item 13 of the Advisory Action on February 1, 2006. See 37 CFR 41.37(a)(c)(ix) and (x)(2), MPEP 1205.02 and 1206. Such evidence should be removed from the appeal brief.


Vinh T. Luong
Primary Examiner



Vinh T. Luong
Primary Examiner